

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VANESSA SHULTZ,

Plaintiff,

v.

ABE'S TRASH SERVICE, INC. and
CHRISTOPHER F. SKINNER,

Defendants.

8:16CV243

ORDER

This matter is before the Court on defendants Abe's Trash Service, Inc. and Christopher F. Skinner's (the "defendants") Motion to Exclude Plaintiff's Newly Added Expert Witness Designations (Filing No. 127).

Plaintiff Vanessa Shultz ("Shultz") has designated (Filing No. 114) Misty Janssen, MD; Kairul Lehardi, ARNP; Dr. Jessica Almaguear; and Dr. Stephen Trapani (collectively, the "treating physicians") as expert witnesses for trial. However, Shultz did not timely disclose the treating physicians as expert witnesses, in violation of both Federal Rule of Civil Procedure 26(a)(2) and the case disclosure deadlines (Filing Nos. 51 and 73).

Schulz has not responded to the defendants' motion or given any explanation for the late notice. The Court previously limited (Filing No. 103) witness Johnathan Perry, MD, to testifying only as a fact witness due to Shultz's untimely disclosure of her intention to call him as an expert. That same limitation is appropriate here. Accordingly,

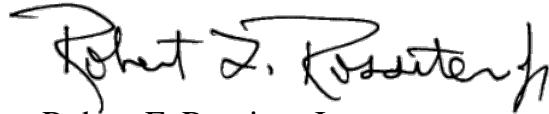
IT IS ORDERED:

1. Defendants Abe's Trash Service, Inc. and Christopher F. Skinner's Motion to Exclude Plaintiff's Newly Added Expert Witness Designations (Filing No. 127) is granted.

2. Misty Janssen, MD; Kairul Lehardi, ARNP; Dr. Jessica Almaguear; and Dr. Stephen Trapani are limited at trial to testifying as fact witnesses under Federal Rule of Evidence 701.

Dated this 26th day of June, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge